

Sec. 2 - E 010450
OGC 8-0338

OGC Has Reviewed

13 February 1958

MEMORANDUM FOR: Chairman, Employment Review Board

SUBJECT: Employment Review Board Practices

1. In a recent Employment Review Board case a situation arose which may afford useful guidance to future Boards if similar circumstances are involved. In this case the Board found favorably as to security and then in accordance with its instructions considered the question of suitability for employment in this Agency. The Board split on this point but the majority recommended termination as unsuitable.
2. In considering this case the Director of Personnel raised an interesting point. Suitability cases which have no security aspect are not put before an Employment Review Board but are processed through the command channel until a final position is established by the head of the pertinent career service. If it is adverse, it is then referred to the Office of Personnel for action and if they concur the termination is accepted through appropriate sign off. The Director of Personnel felt that this principle of completed action through the command channel should be applied in all suitability cases and General Cabell has accepted this in principle. However, we all agreed that it was still appropriate for an Employment Review Board to consider each case in all its aspects.
3. The answer appears to be, therefore, that if a Board finds favorably on security and goes on to the consideration of suitability, the Board should require the head of the pertinent

career service to establish his position in regard to suitability and report to the Board. The Board need not accept this position and, of course, the Director need not accept the Board's recommendation, but it is felt that by bringing in the career service on the question of suitability the Board will have completed its staff work in proper form.

S/
LAWRENCE R. HOUSTON
General Counsel

cc: Director of Personnel
- OGC chrono-no circ
/subject-Security 2-EO 19450 General
OGC:LRH:jeb

STATINTL

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